

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA**

Robbin Shea Brown,

Petitioner,

v.

S. Lake,

Respondent.

No. CV-16-026-TUC-FRZ

ORDER

Before the Court for consideration is the Report and Recommendation of the Magistrate Judge, recommending that the Petition Under 28 U.S.C. § 2241 for a Writ of Habeas Corpus filed by Petitioner Robbin Shea Brown *pro se* – in which Petitioner challenges the loss of 52 days of good-time credits following disciplinary proceeding while incarcerated – be denied.

This matter was referred to the Magistrate Judge pursuant to the provisions of 28 U.S.C. § 636(b); Rule 72 of the Federal Rules of Civil Procedure; and LRCiv 72.1 and 72.2 of the Rules of Practice of the United States District Court for the District of Arizona, for further proceedings and Report and Recommendation.

Magistrate Judge Leslie Ann Bowman issued her Report and Recommendation (Doc. 12), recommending that the District Court, after its independent review of the record, enter an order denying the petition for writ of habeas corpus based on the merits of the claim. The Report and Recommendation includes a thorough analysis on the merits of the claim presented.

1 No objections were filed.

2 Upon consideration of the petition for writ of habeas corpus, Respondent's answer
3 and the Report and Recommendation of the Magistrate Judge, the Court finds, having
4 made a full and independent review under 28 U.S.C. § 636(b)(1)(C), that the petition
5 shall be denied on the merits.

6 Before Petitioner can appeal this Court's judgment, a certificate of appealability
7 must issue. See 28 U.S.C. § 2254(c); Fed.R.App.P. 22(b)(1). A certificate may issue
8 "only if the applicant has made a substantial showing of the denial of a constitutional
9 right." 28 U.S.C. § 2253(c)(3). A substantial showing is made if "reasonable jurists
10 could debate whether . . . the petition should have been resolved in a different manner,"
11 or if "the issues presented were adequate to deserve encouragement to proceed further."
12 *Slack v. McDaniel*, 529 U.S. 473, 484 (2000) (internal quotation omitted).

13 Upon review of the record – in light of the standards for granting a certificate of
14 appealability – the Court concludes that a certificate shall not issue; as the resolution of
15 the petition is not debatable among reasonable jurists and does not deserve further
16 proceedings. Accordingly,

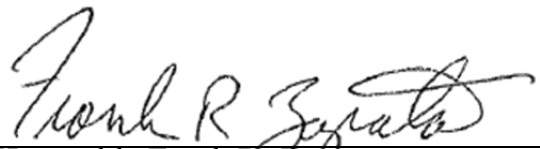
17 IT IS ORDERED that the Report and Recommendation (Doc. 12) is hereby
18 accepted and adopted as the findings of fact and conclusions of law of this Court;

19 IT IS FURTHER ORDERED that the Petition Under 28 U.S.C. § 2241 for a Writ
20 of Habeas Corpus (Doc. 1) is denied;

21 IT IS FURTHER ORDERED that this case is dismissed; the Clerk of Court is
22 directed to enter judgment according;

23 IT IS FURTHER ORDERED a certificate of appealability shall not issue.

24
25 Dated this 1st day of September, 2016.

26 
27 Honorable Frank R. Zapata
28 Senior United States District Judge